

BILL NO. S-68-07- 09

SPECIAL ORDINANCE NO. S- 98-68

AN ORDINANCE ordering a curbside on the north side of Irene Avenue from the west property line of Poinsette Drive to the west property line of Lot 24, Neuhaus Acre Addition, in the City of Fort Wayne, Allen County, Indiana.

WHEREAS, on the 15th day of May, 1968, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution No. 5438-1968, providing for the construction of a curbside on the north side of Irene Avenue from the west property line of Poinsette Drive to the west property line of Lot 24, Neuhaus Acre Addition; and

WHEREAS, within 10 days after the day named for hearing upon said resolution, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on June 27, 1968, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion a public need and necessity for said curbside exists in order to provide a sidewalk for the children attending the Franke Park School, a public primary school in the City of Fort Wayne, Allen County, Indiana, and by its communication dated June 27, 1968, heretofore made a matter of record, communicated the foregoing to this body; and

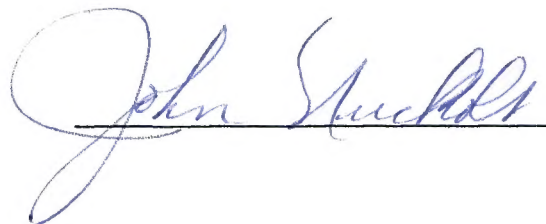
WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana, as amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in order to provide access for school children in and along Irene Avenue to the Franke Park School.

SECTION 2. That notwithstanding any remonstrance filed against the same of the resident freeholders on said street, the construction of a curbside on the north side of Irene Avenue from the west property line of Poinsette Drive to the west property line of Lot 24, Neuhaus Addition, be and the same is hereby specifically ordered, and this ordinance shall be and constitute sufficient authority and direction to the Board of Public Works of the City of Fort Wayne in the premises to proceed in accordance with said resolution.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



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APPROVED AS TO FORM  
AND LEGALITY



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CITY ATTORNEY



52-73-1

June 27, 1968

Mr. J. Robert Arnold  
City Attorney  
1120 Lincoln Bank Tower  
Fort Wayne, Indiana

Dear Mr. Arnold:

Please prepare an ordinance to be introduced in the Common Council July 9, 1968, for the following:

Sidewalk Improvement Resolution No. 5438-1968 to construct curbside on the north side of Irene Avenue from the west property line of Poinsette Drive to the west property line of Lot 24, Neuhaus Acre Addition.

Remonstrance received after being tabulated by the City Engineer, contains 2 out of 2, or 100% of the resident property owners.

It is the opinion of the Board that the sidewalk is a public need and necessity to provide a sidewalk for the children attending the Franke Park School, so they will not be compelled to walk in the street.

For your information the last ordinance that was prepared in this connection was S-241, March 25, 1958.

Yours truly,

Fred S. Ehrman  
Robert W. Dahman  
George F. Gable  
BOARD OF PUBLIC WORKS

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Bill No. S-68-07-09

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
ordering a curbwalk on the north side of Irene Avenue from the west property line of  
Poinsette Drive to the west property line of Lot 24, Neuhaus Acre Addition, in the  
City of Fort Wayne, Allen County, Indiana.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

JOHN NUCKOLS, Chairman

JOHN H. ROBINSON, Vice-Chairman

CELIA ANN FAY

EDWIN J. ROUSSEAU

WILLIAM K. GEAKE

*John Nuckols*  
*John H. Robinson*  
*Celia Ann Fay*  
*Edwin J. Rousseau*  
*William K. Geake*

CONCURRED IN

DATE        FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Nuckols seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 196\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M., E.S.T.

Date: 7-9-68

Fuad G. Bonakrom  
City Clerk

Read the third time in full and on motion by Nuckols seconded by Tipton and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	<u>    </u>	ABSENT	<u>    </u>	to-wit:
Adams	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Dunifon	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Fay	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Geake	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Nuckols	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Robinson	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Rousseau	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Steigerwald	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	
Tipton	<u>✓</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	

Date 7-23-68

Fuad G. Bonakrom  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. 5-98-68

on the 23<sup>rd</sup> day of July, 1968.

ATTEST: (SEAL)

Fuad G. Bonakrom  
City Clerk

Jack R. Dunifon  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24<sup>th</sup> day of July, 1968 at the hour of 10:00 o'clock A.M.,E.S.T.

Fuad G. Bonakrom  
City Clerk

Approved and signed by me this 24<sup>th</sup> day of July, 1968 at the hour of 10:14 o'clock A.M.,E.S.T.

Harold A. Zeis  
Mayor